

# Implications of GATT TRIPS COVID-19 IP Waiver Proposal for Intellectual Property Protections of COVID-19 Vaccines

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## OVERVIEW AND TIMELINE

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# What is the TRIPS Agreement?

- TRIPS = Trade Related Aspects of IP Rights Agreement
- Established in 1995 under the World Trade Organization
- Sets minimum standards for IP Rules & Enforcement Mechanisms related to:
  - Patents
  - Copyrights
  - Trademarks
  - Industrial Designs
  - Protection of Undisclosed Information

## TRIPS Council

- Comprises all WTO Member Countries
- Responsible for Considering IP Issues at WTO:
  1. Monitoring
  2. Consultations
  3. Review & Negotiation of TRIPS provisions
  4. Review of TRIPS Agreement as a whole

# TRIPS Waiver

- Broadly allows WTO Members to act inconsistent with TRIPS IP rules
- Removes obligations to domestically enforce certain rules
- Does not compel changes in domestic law
- Example 2003 Waiver: WTO member countries can use compulsory licensing to export patented pharmaceutical products needed to address public health issues.

# Waiver Process

- Waiver proposal presented to TRIPS Council
- Proposal Considered by WTO Members
- No formal vote
  - Instead, Member Countries engage in extended discussion until unanimous agreement reached
- Requires 75% majority to pass
  - in practice, consistently opt to approve by unanimous consensus

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## Title search: Implications of GATT TRIPS COVID-19 IP Waiver Proposal for Intellectual Property Protections of COVID-19 Vaccines

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